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PARK CITY MUNICIPAL CORPORATION MUNICIPAL CODE

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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.17 REGIONAL COMMERCIAL OVERLAY (RCO) DISTRICT

Chapter adopted by Ordinance 00-51

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15-2.17-1. PURPOSE.

To allow for regional Commercial Uses on Properties not otherwise zoned for Commercial Uses. This overlay zone affords the Owner the option to apply for commercial Development and Use on lands affected by the overlay zone. In the event the Application for Commercial Use is denied, the underlying zoning governs permissible Development of the Property.

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) ALLOWED USES.

- (1) Secondary Living Quarters
- (2) Lockout Unit (Nightly Rental of Lockout Units requires a Conditional Use Permit)
- (3) Accessory Apartment (See LMC Chapter 15-4-7, Accessory Apartments)
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting (See LMC Chapter 15-4-9, Child Care Regulations)
- (7) Child Care, Family (See LMC Chapter 15-4-9, Child Care Regulations)
- (8) Child Care, Family Group (See LMC Chapter 15-4-9, Child Care Regulations)
- (9) Accessory Building and Use
- (10) Conservation Activity
- (11) Agriculture
- (12) Parking Area or Structure with four (4) or fewer spaces
- (13) Recreation Facility, Private
- (14) Allowed Uses in the Underlying Zoning District
- (15) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays (Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master

Festival License)

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (2) Group Care Facility (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (3) Child Care Center (Subject to provisions of Chapter 15-6, Master Planned Developments.)
(See LMC Chapter 15-4-9, Child Care Regulations)
- (4) Public and Quasi-Public Institution, Church and School (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (6) Telecommunication Antenna (See LMC Chapter 15-4-14, Telecommunication Facilities)
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter (See LMC Chapter 15-4-13, Satellite Receiving Antennas)
- (8) Plant and Nursery stock products and sales (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (9) Bed and Breakfast Inn (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (10) Boarding House, Hostel (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (11) Hotel, Minor (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (12) Hotel, Major (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (13) Private Residence Club Project and Conversion (Requires an Administrative Conditional Use permit)
- (14) Timeshare Sales Office, off-Site (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (15) Office, General (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (16) Office, Moderate Intensive (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (17) Office, Intensive (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (18) Office and Clinic, Medical (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (19) Financial Institution, with and without drive-up window (Subject to provisions of Chapter 15-6, Master Planned Developments; See LMC Section 15-2.18-5 criteria herein for drive-up windows)
- (20) Retail and Service Commercial, Minor (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (21) Retail and Service Commercial, personal improvement (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (22) Retail and Service Commercial, Major (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (23) Transportation Service (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (24) Retail Drive-Up Window (See LMC Section 15-2.18-5 criteria herein for drive-up windows)
- (25) Neighborhood Convenience Commercial (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (26) Commercial, Resort Support (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (27) Gasoline Service Station (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (28) Cafe, Deli (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (29) Restaurant, General (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (30) Restaurant, Outdoor Dining (Requires an Administrative Conditional Use permit)
- (31) Outdoor Event (Requires an Administrative Conditional Use permit)
- (32) Restaurant, Drive-up window (See LMC Section 15-2.18-5 criteria herein for drive-up windows)
- (33) Bar (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (34) Hospital, Limited Care Facility (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (35) Hospital, General (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (36) Parking Area or Garage with five (5) or more spaces (Subject to provisions of Chapter 15-6, Master Planned Developments)
- (37) Temporary Improvement (Subject to provisions of Chapter 15-6, Master Planned Developments)

(38) Passenger Tramway Station and Ski Base Facility (Subject to provisions of Chapter 15-6, Master Planned Developments)

(39) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge (Subject to provisions of Chapter 15-6, Master Planned Developments)

(40) Recreation Facility, Public (Subject to provisions of Chapter 15-6, Master Planned Developments)

(41) Recreation Facility, Commercial (Subject to provisions of Chapter 15-6, Master Planned Developments)

(42) Entertainment, Indoor (Subject to provisions of Chapter 15-6, Master Planned Developments)

(43) Master Planned Developments (Subject to provisions of Chapter 15-60, Master Planned Developments)

(44) Heliport (Subject to provisions of Chapter 15-6, Master Planned Developments)

(45) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays (Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License)

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 02-38; 04-39; 06-76)

15-2.7-3. PROCEDURE FOR COMMERCIAL DEVELOPMENT OPTION.

An Applicant may apply for the commercial Development option by submitting an Application to the Planning Department. Application for the commercial Development option will be reviewed by the Planning Commission as a Master Planned Development (MPD). The Planning Commission shall consider all factors set forth in LMC Chapter 15-6, and shall also consider the criteria listed below in Section 15-2.17-4 to determine whether implementation of the commercial Development option is warranted.

Appeals of Planning Commission decisions are heard by the City Council.

15-2.17-4. CRITERIA FOR COMMERCIAL DEVELOPMENT OPTION.

An Application for the commercial Development option under this section must meet the following minimum standards:

(A) The minimum Lot size is five (5) acres. Each proposal must include one (1) commercial anchor, a minimum of 30,000 square feet in size, and a maximum of 65,000 square feet.

(B) The Planning Commission may approve, disapprove, or approve with modifications a request for an increase in the allowable Building Height of some or all of the Buildings in the Development by up to twenty-five percent (25%) of the Zone Height of the underlying zone.

The City Council may grant a height exception upon recommendation from the Planning Commission.

Standards for review of any height exception Areas follows:

(1) The visual impacts of the Structure on existing Structures.

(2) Potential shadows, loss of solar Access, air circulation, view corridors, or ridge line intrusion.

(3) Traffic, circulation, and adjacent Open Space.

(4) Compatibility of the proposed Building with adjacent Buildings.

(5) Landscaping, buffer Areas, and other physical separations to mitigate and buffer the Building from adjacent Uses.

(6) The Side Yard between Building(s), adjacent Streets and alleys and their relationship to pedestrian traffic and Open Space.

(7) Provision of more than the required sixty percent (60%) Transferred Development Right (TDR) Open Space within the project.

(8) Reduction of the height of other Buildings or portions of a Building to a point that is lower than the underlying Zone Height.

(9) Provision of exemplary architecture, high quality materials and finishes, and in general, a superior plan and project results.

(10) No net increase in the allowable square footage or Building volume above Grade over what is possible under the Zone Height.

(C) An anchor of at least 30,000 square feet is required to be built first.

(D) Good internal circulation with limited Access to arterial Streets.

(E) Buffering the Frontage Protection Zone with extensive landscaping and berms.

(F) Screened parking.

(G) An extensively landscaped buffer is required between commercial Development and adjacent residential Uses. The Planning Commission may determine the size of buffer depending on proposed Uses and proposed buffer design. The Planning Commission may require the buffer be constructed and landscaped prior to the remainder of the construction.

(H) Compliance with all requirements of LMC Chapter 15-6, Master Planned Development (MPD) review process and criteria.

(I) Architecture that is consistent with the Park City Architectural Design Guidelines in LMC Chapter 15-5 and is Compatible with the community and neighborhood.

(J) Submission of a sign plan at the time of Master Planned Development Application in accordance with the City Sign Code, Municipal Code Title 12.

(K) The Site plan for the Master Planned Development must take into consideration significant natural features such as existing vegetation, wetlands, Stream channels and ridge lines. Development must occur outside of these sensitive Areas.

(L) Submission of a lighting plan at the time of Master Planned Development Application in accordance with LMC Chapter 15-3.

(M) Enhanced pedestrian and bicycle circulation.

(N) Enhanced public plazas and Open Space Areas.

(O) Fully Screened service and delivery Areas. Fully Screened dumpster locations. No service, delivery, or dumpster activities shall occur adjacent to residential Uses.

15-2.17-5. PLANNING COMMISSION FINDINGS.

To approve an Application for Use of the commercial Development option, the Planning Commission must find that:

(A) The proposal is consistent with the criteria set forth in LMC Section 15-2.17-4 herein, and LMC Chapter 15-6, Master Planned Development.

(B) The proposal is in the best interest of the City and is located in an appropriate location.

(C) The proposal adequately mitigates potential impacts on adjacent Properties and land Uses.

(D) The proposal complies with all applicable criteria of the Sensitive Lands Ordinance and the Frontage Protection Zone.

15-2.17-6. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require a Conditional Use Permit Review to consider traffic impacts on surrounding Streets and compliance with Section 15-1-10, Conditional Use Review. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.17-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking on-Site at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with LMC Chapter 15-1-10, Conditional Use Review.

15-2.17-8. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See LMC Section 15-2.17-8(B)(3) herein for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS**. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING**: Outdoor dining is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed furniture is Compatible with the Streetscape.
- (e) No music or noise is in excess of the City Noise Ordinance, Municipal Code Title 6.
- (f) No Use after 10:00 p.m.
- (g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS**. Outdoor grills and/or beverage service stations are subject to the following criteria:

- (a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (c) The Use is Compatible with the neighborhood.
- (d) The proposed service station does not impede pedestrian circulation.
- (e) The proposed service station does not impede emergency Access or circulation.
- (f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.
- (g) No violation of the City Noise Ordinance, Municipal Code Title 6.
- (h) Compliance with the City Sign Code, Municipal Code Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES**. Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

- (a) The Area of the proposed bicycle, kayak, motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
- (b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
- (c) No more than a total of fifteen (15) pieces of equipment may be displayed; no more than three (3) of which may be kayaks or canoes.
- (d) Outdoor display is only allowed during Business hours.
- (e) Additional outdoor bicycle storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC**. Outdoor events and music require an Administrative Conditional Use Permit. The Use must also comply with LMC Chapter 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent residential uses.
- (d) Proposed plans for music, lighting, Structures, electrical, signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE**. Display of outdoor merchandise is subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.
- (c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity of Facade Easement of the Building as determined by the Planning Director.
- (d) The display does not diminish parking or landscaping.
- (e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.
- (f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.
- (g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.
- (h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.
- (i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Chapter amended by Ord. Nos. 05-49; 06-76)

15-2.17-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development.

The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

(Amended by Ord. No. 06-76)

15-2.17-10. SIGNS.

Signs are allowed in the RCO District as provided in the Park City Sign Code, Municipal Code Title 12.

15-2.17-11. RELATED PROVISIONS.

Fences and Walls. LMC Chapter 15-4-2.

Accessory Apartment. LMC Chapter 15-4-7.

Satellite Receiving Antenna. LMC Chapter 15-4-13.

Telecommunication Facility. LMC Chapter 15-4-14.

Parking. LMC Chapter 15-3.

Landscaping. Title 14; LMC Chapter 15-3-3(D).

Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).

Historic Preservation Board. LMC Chapter 15-11.

Park City Sign Code. Title 12.

Architectural Review. LMC Chapter 15-5.

Snow Storage. LMC Chapter 15-3-3(E).

Parking Ratio Requirements. LMC Chapter 15-3-6.

